

IN THE DRAWINGS:

Replace Fig. 6 with the attached replacement sheet.

REMARKS

Claims 1-5, 7 and 8, as amended, remain herein. Claim 6 has been canceled. Claim 8 has been added. Support for the claim amendments may be found in the specification, for example, at p. 10, line 26—p. 121, line 5 and in Figs. 3 and 4.

Applicants thank the Examiner for conducting a telephone interview with applicants' representative on December 31, 2008. It was agreed that the above amendments appeared to overcome the 35 U.S.C. § 103(a) rejections. The Examiner stated that he would call applicants' representative if it was determined that further amendments to the claims would be necessary.

1. The drawings were objected to for containing reference characters not disclosed in the description. The specification has been amended, mooting the objection. Applicants note that reference 98 in Fig. 12 appears at p. 24, line 15 of the specification.

2. The drawings were objected to as failing to include reference signs mentioned in the description. The specification has been amended, mooting the objection. Specifically, Fig. 6 has been amended to include fastener 10, and the description has been amended to clarify which elements are not shown in respective figures.

3. The abstract has been amended, mooting the objection thereto.

4. The disclosure has been amended, mooting the objection thereto.

5. Claims 1-5 were rejected under 35 U.S.C. § 103(a) over Bronstrup U.S. Patent 5,104,235 and Yeager U.S. Patent 5,902,047. However, Bronstrup and Yeager fail to disclose a non-fused portion connected to a fused portion at a position corresponding to the end of a cut-tape so that a boundary portion between the fused portion and the non-fused portion surrounds a tab portion, as recited in applicants' amended claim 1. Bronstrup discloses only a gusset-type bag. Yeager discloses a bag with a cut-tape and a sealing feature. Thus, both Bronstrup and Yeager fail to disclose every element of applicants' claim 1.

Nor would it have been obvious to one of ordinary skill to modify or combine Bronstrup and Yeager to disclose every element of applicants' claim 1. Neither Bronstrup nor Yeager contains any disclosure that would have motivated one of ordinary skill to have a tab at the end of a cut-tape, the tab connected to a non-fused portion and surrounded by a fused portion. For the foregoing reasons, Bronstrup and Yeager are inadequate grounds for rejecting claims 1-5 under 35 U.S.C. § 103(a). Reconsideration and withdrawal of the rejection are respectfully requested.

6. Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) over Bronstrup, Yeager, and Tani U.S. Patent 4,650,079. Claim 6 has been canceled, mooted the rejection thereof. Bronstrup, Yeager, and Tani fail to disclose at least one non-fused portion located in a boundary of at least one of a flat surface portion, a side surface portion, and a bottom surface portion, the non-fused portion being surrounded by said fused portion, as recited in applicants' amended claim 7. To the contrary, Tani discloses a tab D located within a fused portion 4 of a bag. Although the tab is cut out of the fused portion, the tab remains fused.

Nor would it have been obvious to one of ordinary skill to modify or combine any portions of Bronstrup, Yeager, and Tani to disclose every element of applicants' claim 7. None of Bronstrup, Yeager, and Tani contains any disclosure that would have motivated one of ordinary skill to have a tab at the end of a cut-tape, the tab connected to a non-fused portion and surrounded by a fused portion. For the foregoing reasons, Bronstrup, Yeager, and Tani are inadequate grounds for rejecting claim 7 under 35 U.S.C. § 103(a). Reconsideration and withdrawal of the rejection are respectfully requested.

Accordingly, all claims 1-5, 7 and 8 are now fully in condition for allowance and a notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293. If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Respectfully submitted,

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Date: January 30, 2009



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Attorney Docket No.: 29302.0049